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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,930	11/13/2003	Naohiko Tsuzuki	F-S042	9884

28107 7590 04/26/2005  
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EXAMINER

KERNS, KEVIN P

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,930

Applicant(s)

TSUZUKI ET AL.

Examiner

Kevin P. Kerns

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because "13a2" in Figure 1 has no arrow pointing to any specified region of the drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 4,044,653) in view of Hehl (US 4,380,427), and further in view of Jacobsen et al. (US 6,502,620).

Aoki discloses a hydraulic control apparatus for injection molding or die casting, in which the apparatus includes an injection cylinder 1 for injection of molten material into a mold cavity; a motor-driven hydraulic pump P; a hydraulic circuit that includes a series of solenoid valves to control pressure to the hydraulic fluid pipelines; and a hydraulic controller in the form of an electrical relay and timer circuit, or a combination of circuit and limit switches, being operative to control a discharge rate of the hydraulic pump (abstract; column 1, lines 11-18; column 2, lines 5-62; column 3, lines 11-68; column 4, lines 1-14; and Figures 1-4). Although Aoki discloses/suggests the details of

the hydraulic system for an injection cylinder, Aoki does not disclose the use of the hydraulic system for a mold clamping cylinder, as well as the use of one or more two-way hydraulic pumps.

However, Hehl discloses a compact hydraulic drive for a die closing (clamping) unit of an injection molding (die casting) machine, in which the hydraulic drive cooperates with clamping cylinders operative to accurately and rapidly close/clamp the injection molding dies shut under high pressure while using less space and hydraulic fluid (abstract; column 1, lines 8-13; column 2, lines 35-68; column 3, lines 1-46; column 4, line 8 through column 8, line 27; and Figures 1-6).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the hydraulic control system used for controlling injection, as disclosed/suggested by Aoki, by instead using the hydraulic system for mold clamping in a die closing unit of an injection molding (die casting) machine, as taught by Hehl, in order to accurately and rapidly close/clamp the injection molding dies shut under high pressure while using less space and hydraulic fluid (Hehl; abstract; column 2, lines 35-68; and column 3, lines 1-46).

Neither Aoki nor Hehl discloses one or more two-way hydraulic pumps.

However, Jacobsen et al. disclose a method of controlling a hydraulic system in a molding apparatus, in which the hydraulic system includes first and second variable displacement hydraulic pumps (30,31) that are double-sided (two-way), in addition to a servo pump 35 that delivers hydraulic fluid from a reservoir 36 to the pumps (30,31) via motor 34, such that the double-sided pumps are advantageous for delivering and

receiving fluid in two directions, thus allowing the pumps to be connected in a closed circuit and to have braking energy returned to the pump, achieving better positional control (abstract; column 2, lines 22-55; column 4, lines 63-67; column 5, lines 1-67; column 6, lines 1-15; and Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the die casting machines disclosed by Aoki, by instead using the hydraulic system for mold clamping in a die closing unit of an injection molding (die casting) machine, as taught by Hehl, in order to accurately and rapidly close/clamp the injection molding dies shut under high pressure while using less space and hydraulic fluid, and by further using the hydraulic system that includes first and second variable displacement double-sided (two-way) hydraulic pumps, as taught by Jacobsen et al., in order to deliver and receive fluid in two directions, thus allowing the pumps to be connected in a closed circuit and to have braking energy returned to the pump, achieving better positional control (Jacobsen et al.; column 2, lines 31-40; column 4, lines 63-67; and column 5, lines 1-12).

### ***Response to Arguments***

5. The examiner acknowledges the applicants' amendment and replacement drawing sheets (of all Figures 1-3) received by the USPTO on March 3, 2005. The drawing sheets and amendment overcome prior objections to the drawings and specification, respectively, with the exception of the missing arrow for "13a2" in Figure 1 (see paragraph 1). Claims 1-8 remain under consideration in the application.

6. Applicants' arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 4/20/05*  
Primary Examiner  
Art Unit 1725

*KPK*  
kpk  
April 20, 2005